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MOTION

COMES NOW, Michael G. Malaier, the Chapter 13 Trustee and alleges as follows:

1. Debtors filed this case on **October 26, 2017**. The case was confirmed by order of the Court on **January 10, 2018**.
2. Pursuant to the confirmed plan, Debtors are required to make plan payments of **\$3,600.00** per month. Debtors are presently delinquent in plan payments in the amount of **\$10,800.00**, supported by the Declaration filed herewith.
3. In addition, Debtors have failed to provide copies of the 2017 and 2018 tax returns to the Trustee.
4. Debtors have defaulted under the terms of the Plan as follows: § 1307(c)(1) unreasonable delay by the debtor that is prejudicial to the creditors, § 1307(c)(6) failure to remit plan payments.

WHEREFORE the Trustee prays that this case be dismissed and closed.

DATED this 28th day of May, 2019 at Tacoma, Washington.



Mathew S. LaCroix, WSBA# 41847 for
Michael G. Malaier, Chapter 13 Trustee

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8 **IN THE UNITED STATES BANKRUPTCY COURT FOR THE**
9 **WESTERN DISTRICT OF WASHINGTON AT TACOMA**

10 In re:

11 CHARLES EDWARD MAYS JR and
12 DARLA JO MAYS,

13 Debtors.

Case No.: 17-43966-BDL

14 ***PROPOSED***
15 **ORDER DISMISSING CHAPTER 13 CASE**

16 **THIS MATTER** having come before the Court on the Trustee's Motion to Dismiss, due
17 notice of hearing having been given to the Debtors and the attorney for the Debtors; the Debtors
18 having not otherwise responded or appeared, the Court having reviewed the motion and being
19 fully advised in the premises, IT IS HEREBY

20 **ORDERED** that any funds being held by the Trustee shall be applied to the filing fee,
21 with any remaining balance returned to the Debtors; it is further

22 **ORDERED** that upon dismissal or conversion, any refund shall be payable to the
23 Debtors and may be forwarded to the Debtors through the attorney's office per 11 U.S.C.
24 349(b)(3); it is further

ORDERED that the above-captioned case be dismissed effective on the date of this Order and the Trustee is directed to administratively close this case and issue Trustee's Final Report to creditors.

///End of Order///

Presented by:

Mathew S. LaCroix, WSBA# 41847 for
Michael G. Malaier, Chapter 13 Trustee

ORDER DISMISSING CASE

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600